

### **REMARKS**

Applicant thanks the Examiner for the careful consideration given to this application. Reconsideration is now respectfully requested in view of the amendment above and the following remarks.

Claims 1-20 are pending in this application. Claims 1, 5 and 17 are independent claims. Claims 1-3, 5, 6, 9, 17, and 19 are amended herein without prejudice. Claims 4, 7, 15, 16, 18, and 20 are cancelled herein without prejudice. Reconsideration and allowance of the present application are respectfully requested.

### **Interview Summary**

Applicant thanks Examiner El Chanti for the courtesy of the telephonic interview of October 26, 2010. The interview was attended by Examiner El Chanti, David Morse, Applicant's representative, and Jefferson Cheatham, David Morse's Assistant. Distinctions between the claims and the prior art were discussed. No agreement was reached.

### **Claim Rejections under 35 U.S.C. §102**

Claims 1-4 and 15-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,816,912 to Borella et al. (hereinafter "Borella"). These rejections are respectfully traversed for at least the following reasons.

Under 35 U.S.C. §102 "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, to anticipate any of Claims 1-4 and 15-20, Borella must teach each and every element recited thereby. Borella fails to teach each of the recited elements of any of these claims, and hence fails to anticipate any of these claims as a matter of law.

Independent Claim 1 recites, *inter alia*, "a first bearer setup request generator associated with a first application-level entity configured to: generate a first application-level bearer setup request to induce a bearer manager to create a bearer between a first node and a second node, wherein the first bearer setup request is free of network address identifiers for the bearer

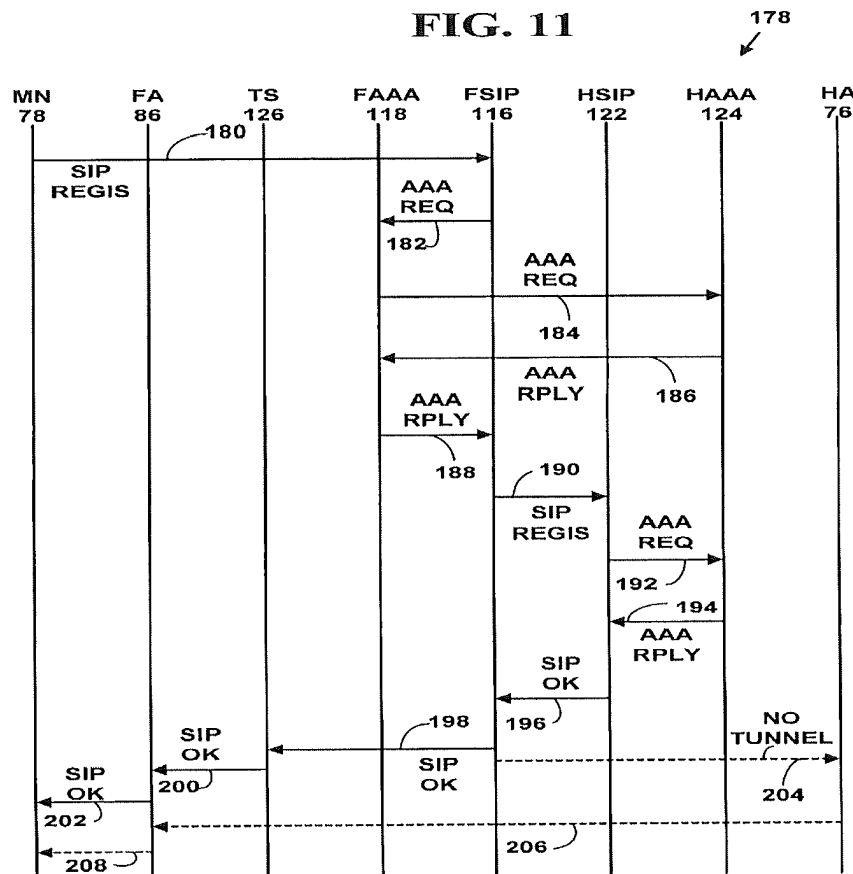
manager; and provide the first application-level bearer setup request to a transport-level AAA (Authentication Authorization Accounting) entity.” The Office Action asserts generally that such features of Claim 1 are taught in col. 11, line 36 – col. 12, line 19 of Borella. However, as explained below, Borella fails to teach or suggest each of these features.

**A. “first bearer setup request generator”**

The Office Action interprets Borella’s “foreign agent” to be the claimed “first bearer setup request **generator**”. See, 8/26/2010, *Office Action*, pg. 5. As recited Claim 1, the bearer setup request generator is configured to **generate** an application-level bearer setup request and to **provide** this request to a transport level entity. The Office Action fails to point to any part of Borella that mentions a foreign agent that **generates** an application-level bearer setup request. The Office Action asserts that Borella’s foreign agent **sends** a request to a tunneling server to establish a tunnel. See, 8/26/2010, *Office Action*, pg. 5. However, contrary to this assertion, Borella merely states that “a registration request is received on a foreign agent on the foreign network from a mobile network device that has roamed from a home network to the foreign network.” See *Borella*, col. 11, line 42-45. Accordingly, Borella fails to teach or suggest the recited “first bearer setup request generator” that is associated with a first application-level entity, and that is configured to generate and provide/send the application-level bearer setup request to a transport-level entity.

**B. “transport-level entity” and “AAA (Authentication Authorization Accounting) entity”**

The Office Action interprets Borella’s “tunneling server” to be the claimed “transport level entity.” See, 8/26/2010, *Office Action*, pg. 5. As recited in Claim 1, the transport level entity is a Authentication Authorization Accounting (AAA) entity, and is **provided** with the first application-level bearer setup request by the first bearer setup request generator. As described in connection with FIG. 11 of Borella (reproduced below), the tunneling server (126), the Foreign AAA (FAAA) entity (118), and the Home AAA (HAAA) (124), are separate entities. Therefore, even assuming, *arguendo*, one skilled in the art were to equate Borella’s tunneling server to the claimed transport level entity, Borella’s tunneling server cannot comprise an AAA entity.

**FIG. 11**

Further, with continued reference to FIG. 11, Borella's tunneling server (126) is not provided with "the first application-level bearer setup request" by the foreign associate (86). Accordingly, Borella fails to teach or suggest the recited "transport-level entity" that comprises an AAA entity, and that is provided with a bearer setup request by a bearer setup request generator.

Accordingly, Applicants respectfully request this rejection of Claim 1 under 35 U.S.C. §102 be withdrawn, at least by virtue that Borella fails to teach or suggest each of the features of Claim 1. Applicants also request reconsideration and removal of these rejections of Claims 2-4, 15, and 16, at least by virtue of the ultimate dependency of these claims upon base Claim 1.

Independent Claim 17 analogously recites, *inter alia*, "selectably generating a first application-level bearer setup request to induce a bearer manager to create a bearer between a first node and a second node".

Accordingly, Applicants request reconsideration and removal of the rejections of Claim 17 under 35 U.S.C. §102 for at least the foregoing reasons as well. Applicants also request reconsideration and removal of these rejections of Claims 18-20, at least by virtue of the ultimate dependency of these claims upon base Claim 17.

#### **Allowable Subject Matter**

Applicants note with appreciation the Examiner's indication that previously presented Claims 5-14 contain allowable subject matter. Claim 5 has been amended herein without prejudice to more clearly and distinctly describe the subject matter of previously allowed Claim 5. Accordingly, currently amended Claim 5 includes all the limitations of previously allowed Claim 5. Therefore, Applicants submit that Claim 5 contains allowable subject matter. Claim 7 has been cancelled herein without prejudice. Therefore, Applicants submit that Claims 6 and 8-14 also contain allowable subject matter at least by virtue of the ultimate dependency of these claims upon base Claim 5.

#### **Disclaimer**

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

**CONCLUSION**

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

A one month extension of time is hereby requested pursuant to 37 C.F.R. §1.136(a), for which the appropriate fee is submitted herewith. The undersigned believes no additional extensions or fees are due with this response. However, if an additional extension is needed or a fee is due, please consider this a request therefor and charge our Deposit Account No. 22-0185, under Order No. 27592-00425-US from which the undersigned is authorized to draw.

Dated: December 27, 2010

Respectfully submitted,

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